THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6312 of 2006

Dated:05.09.2007

Between

G.V.V.Rameswara Rao

.....Petitioner

and

1.The Government of AP rep., by its Principal Secretary, Housing Department, AP Secretariat Buildings, Saifabad Hyderabad and another.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6312 of 2006

ORDER:

This writ petition is filed seeking a Certiorari to call for the records pertaining to and connected with the enquiry report in case No.135 of 2003 submitted by the Commissionerate of Enquiries, Hyderabad and G.O.Ms.No.8, Housing (Vig. Cell) Department dated 14.3.2006 including all consequential proceedings and quash the same as arbitrary and illegal and contrary to the AP State Housing Corporation Ltd., (Classifications, Control and Appeal) Rules, 1997 and consequentially to reinstate the petitioner into the service of 2nd respondent Corporation.

Under the impugned G.O.Ms.No.8 dated 14.3.2006, the petitioner sought to be

dismissed from service on the ground of misappropriation after conducting an enquiry into the matter. According to the petitioner, the Principal Secretary to Government has no power whatsoever for dismissing the petitioner from service. The petitioner is an employee of the A.P. State Housing Corporation. Therefore, the Managing Director of the Corporation alone is competent to pass dismissal order against the petitioner. This proposition is not disputed by the learned counsel appearing for 1st respondent.

It is contended by the learned counsel for the petitioner that the very enquiry was conducted without any jurisdiction and the Commissioner of Enquiry has not acted as per the AP State Housing Corporation Limited Rules, 1997 which were applicable to the petitioner. This aspect may be taken into consideration by the respondent-authority while proceeding with the disciplinary matter.

In view of the same, the writ petition is

allowed and the impugned G.O is set aside. However, this order will not preclude the competent authority from proceeding with the matter.

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05-09-2007

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